

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS,
AMARILLO DIVISION**

DR. RONNY JACKSON, STUART and ROBBIE
FORCE, and SARRI SINGER,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as the President of the United States,
and ANTONY BLINKEN, in his official capacity
as the United States Secretary of State,

No. 2:22-cv-00241-Z

Defendants.

FIRST AMENDED COMPLAINT

EXHIBIT 1

**United States Department of State***Washington, D.C. 20520*~~SENSITIVE BUT UNCLASSIFIED~~

March 1, 2021

TO: **Brad Smith**
Acting Director
Office of Foreign Assets Control
Department of the Treasury

FROM: **Andrew Weinschenk**
Director
Office of Threat Finance Countermeasures

SUBJECT: ~~(SBU)~~ Request for Specific License to Authorize U.S. Government Official Activity in the West Bank and Gaza

~~(SBU)~~ The Department of State requests that OFAC issue a specific license authorizing for a period of two years the conduct of the official business of the U.S. government by employees, grantees, or contractors thereof in the West Bank and Gaza that would otherwise be prohibited by the Global Terrorist Sanctions Regulations and the Foreign Terrorist Organization Sanctions Regulations. Such authorization would enable activities, including assistance activities, that are critical to support the Administration's efforts to advance prosperity, security, and freedom for both Israelis and Palestinians and to advance and preserve the prospects of a negotiated solution in which Israel lives in peace and security alongside a viable Palestinian state.

Foreign Policy Objectives

~~(SBU)~~ Secretary Blinken has stated that this Administration intends to restore assistance to the Palestinian people to advance U.S. interests. U.S. assistance serves important purposes, including supporting Israeli-Palestinian security coordination, providing critical humanitarian relief, and fostering economic development. The United States is committed to advancing prosperity, security, and freedom for both Palestinians and Israelis, which is important in its own right, but also as a means to advance and preserve the prospects of a negotiated two-state solution, in which Israel lives in peace and security alongside a viable Palestinian state. The two-state approach remains the best way to ensure Israel's future as a democratic and Jewish state, while enabling the Palestinian people to live with freedom, security, and prosperity in a viable state of their own. We are working with all parties to advance that goal, and reengaging diplomatically and restarting assistance programs will help support a stable environment that benefits both Palestinians and Israelis.

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Assistance to be Provided

(SBU) The Administration seeks to restart economic, humanitarian, and security assistance activities in the West Bank and Gaza that will benefit all Palestinians and address critical issues that further progress toward peace. Our assistance programs improve the lives of millions of Palestinians through support to health, infrastructure, humanitarian relief, and economic development activities. Moreover, our support for the development of the Palestinian economy, civil society, and other private and public institutions helps improve the lives of Palestinians and ensure the viability of a future Palestinian state.

(SBU) Because we are restarting assistance after a multi-year gap, State, USAID, and other U.S. government agencies that may provide assistance or engage in other economic initiatives need maximum flexibility to adjust programming quickly in response to fluid conditions on the ground in the West Bank and Gaza. Below is an illustrative list of assistance activities State and USAID intend to implement in the near term. As we better understand the specific economic, humanitarian, and security needs in the West Bank and Gaza and identify assistance or other economic initiatives that would support our objectives, the programs in our assistance portfolio will likely evolve. We are seeking maximum flexibility under this license to enable U.S. government activities to respond to changing needs as quickly and effectively as possible.

- COVID-19 Rapid Relief (\$15 million): USAID intends to provide emergency, life-saving humanitarian assistance to mitigate the spread and impact of COVID-19 in Gaza. This includes efforts to treat the sick, support vaccine rollout, and enable public health responses against a potential re-emergence of the virus. This program could also support the United Nations' World Food Program (WFP) effort to help meet COVID-exacerbated food security needs in Gaza.
- UN Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) (\$100 million): State intends to resume support for UNRWA's activities in the West Bank and Gaza. UNRWA provides humanitarian interventions for Palestinian refugees such as food, cash-for-work, cash assistance, health and psychosocial support, education, water and sanitation, and COVID-19 prevention.
- International Narcotics and Law Enforcement (\$89 million): State intends to support the Palestinian Authority Ministry of Interior's efforts to improve training, civilian security, prosecutions, and corrections.
- Private Sector Growth (\$7 million): USAID intends to provide support to the Palestinian private sector by supporting small and medium enterprises (SMEs) in the West Bank and Gaza. U.S. assistance will help SMEs regain productivity and expand activities through a package of grants, technical assistance, and increased access to finance.

Commented [CA1]: L – intended to cover DFC. Sufficient?

Commented [CA2]: OFAC clearly stated we do not need to provide all activities, just an illustrative list. Better to keep this concise and illustrative, rather than exhaustive.

Commented [CA3]: .PRM – can you confirm amount?

Commented [CA4]: .Correct?

- Youth Employment and Engagement (\$4 million): USAID intends to support vulnerable and marginalized youth in the West Bank and Gaza with programs that provide psychosocial support, life skills, and technical training, as well as community engagement opportunities that aim to provide an alternative means of empowerment and prevent youth from joining extremist organizations.
- Immediate Humanitarian Relief (\$6 million): USAID intends to provide rapid relief to needy households in Gaza with programs that could include short-term employment, grants for income generating projects and small businesses, and food and non-food vouchers.
- Water and Sanitation (WASH) and Water Improvement (\$23 million): USAID intends to help marginalized communities in Gaza access clean water and improve hygiene, in addition to constructing water storage reservoirs in northern Gaza that will ensure sustainable, reliable, and safe drinking water. Some recent studies show only about 10 percent of available water in Gaza is potable.

Need for an OFAC License

(SBU) Hamas is a Foreign Terrorist Organization (FTO) and Specially Designated Global Terrorist (SDGT). Other terrorist groups are present in the West Bank and Gaza, including Palestinian Islamic Jihad (PIJ), the Palestine Liberation Front (PLF), and the Popular Front for the Liberation of Palestine (PFLP). Due to its overall strength and level of control over Gaza, we assess there is a high risk Hamas could potentially derive indirect, unintentional benefit from U.S. assistance to Gaza. There is less but still some risk U.S. assistance would benefit other designated groups.

Commented [CA5]: Defer to others to confirm this is accurate

(SBU) According to USAID's West Bank and Gaza mission, there have been no known cases of U.S. government or other donor supplies or equipment being stolen or destroyed. In addition, USAID is not aware of any explicit, conscious effort by sanctions groups to seek reputational benefit from U.S. assistance in the West Bank or Gaza. Notwithstanding this risk, State believes it is in our national security interest to provide assistance in the West Bank and Gaza to support the foreign policy objectives outlined above.

Mitigation Measures

(SBU) State and USAID will continue to take appropriate steps to mitigate the risks that U.S. assistance benefits Hamas, PIJ, or any other terrorist organization in the West Bank and Gaza. Risk mitigation measures include counter-terrorism vetting of all partner organizations, as well as requirements for partner organizations to mitigate risk for fraud and diversion. The U.S. government maintains a "no contact" policy with Hamas, and U.S. implementing partners do not engage Hamas on the locations or types of assistance provided, nor on the recipients of U.S.

assistance. Implementing partners are required to notify State and USAID of developments that have a significant impact on the activities support in any award and the problems, delays, or adverse conditions that materially impair the ability to meet objectives in the award, including attempts by a sanctioned group to control a program's resources or beneficiaries. Further risk mitigation measures could be pursued if and as needed depending on how U.S. activities develop in the coming months and years.

Summary of Request

~~(SBU)~~ The Department of State requests on foreign policy grounds that OFAC issue a specific license for a period of two years authorizing the conduct of the official business of the U.S. government by employees, grantees, or contractors thereof in the West Bank and Gaza that would otherwise be prohibited by the Global Terrorist Sanctions Regulations and the Foreign Terrorist Organization Sanctions Regulations to support the Administration's foreign policy objectives. We request the license be unclassified so relevant U.S. government agencies can share a copy with partners as necessary.

~~SENSITIVE BUT UNCLASSIFIED~~

Approved: EB/TFS (b)(6)
NEA/FO (b)(6) ()

Drafted: EB/TFS/TFC (b)(6)

Cleared: EB/TFC: (b)(6)
EB/TFC: (b)(6))
D: (b)(6) ()
P: (b)(6) ()
S/P:
E: (b)(6)
NEA/AC:
NEA/IPA: (b)(6)
L/EB: (b)(6)
L/LEI: (b)(6)
L/AN: (b)(6)
L/AN: (b)(6)
L/LFA: (b)(6))
USAID/ME: ()
USAID/BHA: (b)(6) ()
CT/CTFD: (b)(6) ()
F: (b)(6) ()
PRM: (b)(6) ()

~~-SENSITIVE BUT UNCLASSIFIED-~~

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EXHIBIT 2



Gaza Response – Fraud Awareness November 2023

Responsibility to Identify and Report Potential Diversion of U.S Humanitarian Aid to Hamas and Other Foreign Terrorist Organizations

On October 18, 2023, the United States announced that it is providing \$100 million in humanitarian assistance for the Palestinian people in Gaza and the West Bank.

The USAID Office of Inspector General (USAID OIG) has identified this area as high-risk for potential diversion and misuse of U.S.-funded assistance. **It is USAID OIG's investigative priority to ensure that assistance does not fall into the hands of foreign terrorist organizations (FTOs) including, but not limited to, Hamas.**

To report suspected diversion, fraud, corruption, or other serious misconduct go to our [Hotline Portal](#)

USAID OIG expects prompt reporting from UN agencies, nongovernmental organizations (NGOs), and contractors operating in Gaza and the West Bank of allegations of misuse of USAID assistance. U.S. law affords protections from retaliation to employees of NGOs and contractors who wish to submit a complaint.



USAID OIG has identified deliberate interference and efforts to divert humanitarian assistance in regions where FTO activity is prevalent. This includes: systemic coercion of aid workers by FTOs; imposition of taxes, duties, and fees on USAID awardees and beneficiaries; and FTO influence over beneficiary selection and internally displaced persons camp management.

In addition to other pre-award vetting measures, USAID requires applicants for grants or cooperative agreements to certify that in the three years prior to award, they have not knowingly engaged in transactions, or provided material support or resources to entities sanctioned under U.S. counter-terrorism regulations.¹ OIG investigates, and works with the U.S. Department of Justice to prosecute, cases in which USAID grantees have made such false certifications:

¹ <https://www.usaid.gov/sites/default/files/2022-12/303mav.pdf>

- [United States of America v. Norwegian People's Aid](#) (S.D.N.Y., 15 Civ.4892, 2018), in which the defendant paid over \$2 million to settle claims that it had made false certifications to USAID by concealing both its past material support to Iran, and support during the term of the award to Hamas, the Popular Front for the Liberation of Palestine, and the Democratic Front for the Liberation of Palestine.
- [United States of America v. American University of Beirut](#) (S.D.N.Y., 14 Civ. 6899, 2017) in which the defendant paid \$700,000 to settle claims that it concealed past material support to three organizations affiliated with Hezbollah.

USAID OIG-Identified Risks to USAID Programs in Nonpermissive Environments

- Eligible sub-awardees or vendors are limited to those who have formal or informal authorization from armed groups.
- Employees and third-party monitors are regularly threatened or detained or accompanied by members of armed groups during activities.
- Local governing bodies and/or NGO employees resist or attempt to delay increased monitoring or beneficiary verification exercises.
- Armed groups or local governing bodies express keen interest in having certain names added to beneficiary lists.
- Beneficiary receipts or other documentation have similar handwriting or appear doctored.
- Insufficient supporting documentation when NGOs conduct transactions with unlicensed, unregulated, and/or informal money transfer agents.

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EXHIBIT 3

From:	"Amr, Hady A" <(b)(6)@state.gov>
	(b)(6)@state.gov>; (b)(6)@state.gov>;
To:	(b)(6)@state.gov>; Noll, George A <(b)(6)@state.gov>; (b)(6)@state.gov>
Subject:	Election analysis next steps
Date:	Mon, 1 Mar 2021 01:08:55 +0000

George & co (and if we need to add anyone to the list, please do)

Got the Memo on elections. We are making progress. This is great.

(b)(5)

(b)(5)

(b)(5)

(b)(5)

Apologies if I have left anyone off. Obviously we should

(b)(5)

Hady

DeControlled

~~SBU - DELIBERATIVE PROCESS~~

Sender:	"Amr, Hady A" <(b)(6)@state.gov>
Recipient:	(b)(6)@state.gov>; (b)(6)@state.gov>; (b)(6)@state.gov>; Noll, George A <(b)(6)@state.gov>; (b)(6)@state.gov>

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EXHIBIT 4

: Sherman, Wendy R <(b)(6)@state.gov>

Sent: Monday, June 7, 2021 6:05 AM

To: Ratney, Michael A <(b)(6)@state.gov>

Cc: Nuland, Victoria J <(b)(6)@state.gov>; Chollet, Derek H <(b)(6)@state.gov>; Sullivan, Thomas D <(b)(6)@state.gov>; George, Suzy <(b)(6)@state.gov>

Subject: Re: Flag march

Thanks Michael. Appreciate how hard you are working this and (b)(5)

(b)(5)

Get [Outlook for iOS](#)

From: Ratney, Michael A <(b)(6)@state.gov>

Sent: Monday, June 7, 2021 1:25:12 AM

To: Sherman, Wendy R <(b)(6)@state.gov>

Cc: Nuland, Victoria J <(b)(6)@state.gov>; Chollet, Derek H <(b)(6)@state.gov>; Sullivan, Thomas D <(b)(6)@state.gov>; George, Suzy <(b)(6)@state.gov>

Subject: RE: Flag march

Wendy –

(b)(5)

(b)(5)

I notice this morning that Times of Israel is reporting that a decision was taken to reroute the march, rather than withhold authorization completely as we had been told. (b)(5)

(b)(5)

(b)(5)

We'll keep you posted.

Michael

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EXHIBIT 5

~~SENSITIVE BUT UNCLASSIFIED~~

From: Sherman, Wendy R <(b)(6)>
Sent: Monday, June 7, 2021 3:25 AM
To: Ratney, Michael A <(b)(6)>
Cc: Nuland, Victoria J <(b)(6)> Chollet, Derek H <(b)(6)> Sullivan,
Thomas D <(b)(6)> George, Suzy <(b)(6)>
Subject: Fwd: Flag march

(b)(5)
Michael,

(b)(6) Thanks.

Best,
Wendy

Get [Outlook for iOS](#)

From: Jeremy Ben-Ami <(b)(6)>
Sent: Sunday, June 6, 2021 7:22:59 PM
To: Sherman, Wendy R <(b)(6)@state.gov>
Subject: Flag march

I'm sure Thursday's planned/rescheduled march is high on your and the department's radar screens, but I wanted to be sure that you heard from me that the level of concern from allies on the ground in Jerusalem is actually greater about what is planned for Thursday than it was around the original date leading into May 10 (which was very high - and justifiably so).

I know you don't need this extra intel from me since we have an entire team on the ground, but - as with a month ago - I am deeply concerned about what could develop out of this and feel I'd be negligent in not raising.

Thanks for the open door to provide this input. Best, Jeremy

--

Jeremy Ben-Ami
President, J Street
tele. 202-248-5861 |
mobile (b)(6) @JeremyBenAmi

Sender: "Amr, Hady A" <(b)(6)@state.gov>

Noll, George A <(b)(6)@state.gov>;

Recipient: (b)(6)@state.gov>;
(b)(6)@state.gov>

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EXHIBIT 6

From:	"Noll, George A" (b)(6)@state.gov>
To:	Amr, Hady A <(b)(6)@state.gov>
CC:	(b)(6)@state.gov>; (b)(6)@state.gov>; (b)(6)@state.gov>
Subject:	Details on Silwan demolition
Date:	Tue, 29 Jun 2021 14:39:09 +0000

Our initial take on the Silwan events today.

-
-

June 29 Demolition in Silwan:

At 8:15 this morning, bulldozers from the Jerusalem Municipality, escorted by a large number of Israeli security forces, demolished a butcher's shop belonging to Nidal al-Rajabi in Silwan on Tuesday morning for lack of a building permit.

Al-Rajabi refused the demolition, and Israeli police assaulted and detained him along with a number of other Palestinians who arrived to protest the demolition. Prior to his detention, al-Rajabi stated he was satisfied that he had not self-demolished his structure per the Jerusalem Municipality demand to do so. Al-Rajabi said to media that his protest was not just about one shop; there are 20 other units that are in the same situation in this neighborhood. Israeli police used tear gas and batons to push back residents and Palestinian activists as they carried out the demolition. According to the Red Crescent Society, at least 13 individuals were either hit by rubber-coated bullets or suffered tear-gas inhalation during the confrontations.

On Monday, an Israeli Police officer notified al-Rajabi of the municipality's intention to demolish his shop "very soon." Al-Rajabi is one of the seven families in al-Bustan who received on June 7 a notification to self-demolish within 21 days, which expired on Sunday. If all were demolished, 50 Palestinians would be affected. The shop was one of the 17 structures with active demolition orders since 2005 that have no court injunction or other court protection.

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~~SENSITIVE BUT UNCLASSIFIED~~

Sender:	"Noll, George A" (b)(6)@state.gov>
Recipient:	Amr, Hady A (b)(6)@state.gov>; (b)(6)@state.gov>; (b)(6)@state.gov>; (b)(6)@state.gov>

From: "Amr, Hady A" <(b)(6)@state.gov>
To: (b)(6) (Jerusalem) (b)(6)@state.gov>;
Noll, George (Jerusalem) (b)(6)@state.gov>
CC: (b)(6)@state.gov>;
Sawyer, Julie L. EOP/NSC (b)(6)@nsc.eop.gov>
Subject: Eviction?
Date: Wed, 12 Jan 2022 14:03:39 +0000

(b)(6) George—Any further on this? How long has this family been living there?

(U) Israeli General Attorney Does Not Object to Eviction: Israeli Attorney General Mandelblit submitted his official support to evict a Palestinian Jerusalemite family from their home to the Israeli High Court. The confirmation of the attorney general's support came in an appeal by the Sumreen family in the Silwan neighborhood.

Hady A. Amr
Deputy Assistant Secretary of State
Department of Near Eastern Affairs
United States Department of State
Washington, DC 20520 USA

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SENSITIVE BUT UNCLASSIFIED

Sender: "Amr, Hady A" <(b)(6)@state.gov>
(b)(6) (Jerusalem) (b)(6)@state.gov>;
Recipient: Noll, George (Jerusalem) (b)(6)@state.gov>;
(b)(6)@state.gov>;
Sawyer, Julie L. EOP/NSC (b)(6)@nsc.eop.gov>

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EXHIBIT 7

From: "Noll, George A" (b)(6)@state.gov>
To: Amr, Hady A (b)(6)@state.gov>
Subject: FW: Access issues
Date: Mon, 24 May 2021 14:24:12 +0000

(b)(5)

From: Lynn Hastings (b)(6)@un.org>
Sent: Monday, May 24, 2021 5:22 PM
To: Noll, George A (b)(6)@state.gov>; (b)(6)@state.gov>
Cc: Jonathan Lincoln (b)(6)@un.org>; Henrik Moeberg (b)(6)@un.org>
Subject: Access issues

George

Given Kerem Shalom has been closed for the past two days with no clear schedule for opening (and COVAX shipment pf Pfizer vaccines due tomorrow to Gaza) thought I should take the opportunity to see if access issues could be raised in any upcoming meetings you and others from DC are having in the next few days. We need to see sustainable and predictable openings of KS and Erez crossings for essential international personnel and movement of goods for humanitarian response and reconstruction (some of which can be classified as humanitarian assistance).

Let me know if you need any specific information.

Lynn

Sender: "Noll, George A" (b)(6)@state.gov>
Recipient: Amr, Hady A (b)(6)@state.gov>